FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET FORM NLRB-601 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR-RELATIONS BOARD CHARGE AGAINST ENPLOYER

DO NOT WRITE IN THIS SPACE Case 14-CA-125164 Date Filed March 2014

INSTRUCTIONS:				
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curred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT Tel. No. (447) 921-5 Name of Employ Franchisee (unknown name) operating McDonald's restaurant in Springfield, MO & c. Cell No. McDonald's USA LLC as joint or single employer f. Fax No. e. Employer Representative d. Address (Street, city, state, and ZIP code) 528 S. Glenstone General Manager g. e-Mall . 0 Springfield, MO 65802 & 1 Vi One McDonald's Plaza, h. Number of workers employ 20+ Oak Brook, IL 60523 i. Type of Establishment (factory, mine, wholesaler, etc.) J. Identify principal product or service restaurant fast food k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (iss subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the elleged unfair labor practices) Within the last six months, the above named Employer, by its officers, managers, agents, and representatives, has interfered, coerced, and restrained employees in the exercise of rights guaranteed by Section 7 of the Act and has discriminated against employees for purposes of discouraging protected concerted activity by: plotting and planning to discipline employee (b) (6), (b) (7)(C) for pretextual reasons because of its concern about (b) (a) Section 7 activity and in order to suppress Section 7 activity, and by engaging in other acts and conduct which interfere, restrain, and coerce employees in the exercise of rights guaranteed by Section 7 of the Act. Full name of party filing charge (if labor organization, give full name, including local name and number)
 Mid-South Organizing Committee (formally known as the St. Louis Organizing Committee) 4a. Address (Street and number, city, state, and ZiP code) 4b. Tel. No. (617) 620-2831 438 N. Skinker 4c. Cell No. St. Louis, MO 63130 4d. Fax No. 4e. e-Mail 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Tel. No. 6. DECLARATION (314) 621-2626 ead the above charge and that the statements are true to the best of my knowledge and belief. I declare Office, if any, Cell No. Christopher N. Grant, Schuchat, Cook & (314) 420-0206 (Print/lype name and title or office, if any) resentative or person ma Fax No. (314) 621-2378 e-Mail March 25, 2014 1221 Locust St., 2nd Floor, St. Louis, MO 63103 cng@schuchatcw.com (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unlair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 17 8600 Farley St Ste 100 Overland Park, KS 66212-4677 Agency Website: www.nlrb.gov Telephone: (913)967-3000 Fax: (913)967-3010

March 26, 2014

Mid-South Organizing Committee (formally known as the St. Louis Organizing Committee) 438 N Skinker St. Louis, MO 63130

Re: McDonald's and McDonald's USA LLC as a

joint or single employer Case 14-CA-125164

Dear Sir or Madam:

The charge that you filed in this case on March 25, 2014 has been docketed as case number 14-CA-125164. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner LYNN FLEMING (<u>lynn.fleming@nlrb.gov</u>) whose telephone number is (913)967-3022. If the Board agent is not available, you may contact Deputy Regional Attorney MARY G. TAVES whose telephone number is (913)967-3003.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL Regional Director

nami L. Stuart

By:

NAOMI STUART Officer in Charge

cc: Christopher N. Grant, Attorney SCHUCHAT, COOK, AND WERNER 1221 Locust St Ste 250 Saint Louis, MO 63103-2364



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 17 8600 Farley St Ste 100 Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov Telephone: (913)967-3000 Fax: (913)967-3010

March 26, 2014

McDonald's 528 S Glenstone Springfield, MO 65802

McDonald's USA LLC One McDonald's Plaza Oak Brook, IL 60523

Re: McDonald's and McDonald's USA LLC as a

joint or single employer Case 14-CA-125164

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL Regional Director

nami L. Stuart

By:

NAOMI STUART Officer in Charge

Enclosures:

Revised 3/21/2011	Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD				
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable ite			ge and identify item number.		
CASE NAME		5535	CASE NUMBER		
McDonald's and McDonald's			14-CA-125164		
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in lega	l documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [] PARTNERSHIP [] SOL	E PROPRIETORSHIP [] OTHI	ER (Specify)		
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION OR FORMATION	A. STATE OF INCORPORATION B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES				
OKT ORDER TO THE OWNER OF THE OWNER					
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDR	ESS OF ALL MEMBERS OR PAR	TNERS		
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR			
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products h	andled or manufactured, or nature of	services performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	CATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this	matter:			
9. DURING THE MOST RECENT (Che	ck appropriate box): [] CALENDAR Y	R [] 12 MONTHS or [] FISC	AL YR (FY dates)		
8.	- 100 UDV - 10 D D	20 Tu - 1000	YES NO		
A. Did you provide services valued in \$	excess of \$50,000 directly to custome	rs outside your State? If no, indic	ate actual value.		
B. If you answered no to 9A, did you p	rovide services valued in excess of \$	50,000 to customers in your State	who purchased goods		
	ectly outside your State? If no, indic				
\$			A Transit A Telephone and A Te		
C. If you answered no to 9A and 9B, did	you provide services valued in exce broadcasting stations, commercial bu				
less than \$50,000, indicate amount.		midings, educational institutions, o	r retail concerns? II		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate					
amount. \$					
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.					
\$					
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate					
amount. \$ G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points					
outside your State? If less than \$50,000, indicate amount. \$					
H. Gross Revenues from all sales or performance of services (Check the largest amount)					
[] \$100,000 [] \$250,000 [] \$5	00 000 F 1 \$1 000 000 Tfloo	s than \$100,000, indicate amount.			
			1 140		
	the last 12 months? If yes, specify	date:			
10 ARE YOU A MEMBER OF AN ASSO	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER	date:	LECTIVE BARGAINING?		
10 ARE YOU A MEMBER OF AN ASSO [] YES [] NO (If yes, name and	the last 12 months? If yes, specify OCIATION OR OTHER EMPLOYER (address of association or group).	date:			
10 ARE YOU A MEMBER OF AN ASSO [] YES [] NO (If yes, name and 11. REPRESENTATIVE BEST QUALIFI	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group). ED TO GIVE FURTHER INFORMAT	date: GROUP THAT ENGAGES IN COL ION ABOUT YOUR OPERATION	S		
10 ARE YOU A MEMBER OF AN ASSO [] YES [] NO (If yes, name and	the last 12 months? If yes, specify OCIATION OR OTHER EMPLOYER (address of association or group).	date:			
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10 ARE YOU A MEMBER OF AN ASSO [] YES [] NO (If yes, name and 11. REPRESENTATIVE BEST QUALIFINAME 12. AUTHO	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group). ED TO GIVE FURTHER INFORMAT TITLE RIZED REPRESENTATIVE (date: GROUP THAT ENGAGES IN COL ION ABOUT YOUR OPERATION E-MAIL ADDRESS COMPLETING THIS QUEST	TEL. NUMBER		
10 ARE YOU A MEMBER OF AN ASSO [] YES [] NO (If yes, name and 11. REPRESENTATIVE BEST QUALIFINAME	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group). ED TO GIVE FURTHER INFORMAT TITLE	date:	S TEL. NUMBER		

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

	1
MCDONALD'S	
Charged Party	
and	Case 14-CA-125164
MID-SOUTH ORGANIZING COMMITTEE (FORMALLY KNOWN AS THE ST. LOUIS ORGANIZING COMMITTEE)	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAINS I, the undersigned employee of the National Labor Rela March 26, 2014, I served the above-entitled document(sollowing persons, addressed to them at the following as	ations Board, state under oath that on s) by post-paid regular mail upon the
McDonald's 528 S Glenstone Springfield, MO 65802	
McDonald's USA LLC One McDonald's Plaza Oak Brook, IL 60523	
March 26, 2014	Marion Murphy Designated Agent of NLRB
Date	Name

Signature

Charles A. Werner Christopher T. Hexter* Marilyn S. Teitelhaum* James L. Sdrobr!	SCHUCHAT, COOK & WERNER ATTORNEYS AT LAW	Stanley R, Schuckat (1914 - 1979) - Arthur J. Martin (1847—2013)
SALLY E. BARKER DEAN L. CHRISTIANSON* RINGHA S. LYONS LORSTIA K. HAGGARD* CENDOR O. SUGGE	THE SHELL BUILDING 1221 LOCUST STREET SUITE 250 SLAND LOUIS MURROUP 62103-2384	JAMES K. COOK OF COUNSEL
Christopher N. Grant [*] Clare R. Behrle* Colleen Joern Vetten* Matthew B. Leppert* Patrick K. Shinnes* Rochelle G. Skolnick* Natalie J. Teague	(314) 621-2626 Fax: (314) 621-2378 www.schuchatcw.net	*also licensed in Illinois

March 25, 2014

VIA FAX (913) 967-3010 and US MAIL

Ms. Naomi Stuart Officer in Charge 8600 Farley Street Suite 100 Overland Park, KS 66212-4677

New ULP Charge against McDonald's in Springfield, MO

Dear Ms. Stuart:

Please find enclosed a new ULP charge against the McDonald's restaurant at 528 S. Glenstone in Springfield, MO (owned by a franchisee) and McDonald's USA, LLC as a joint and/or single employer. Please have the Board agent assigned to the case contact me at his or her earliest convenience so I may arrange presentation of the Charging Party's evidence.

Thank you in advance for your cooperation in this matter.

///

Enc: new charge

555016.doc

From: Christopher N. Grant
To: Fleming, Lynn

Subject: FW: new ULP against McDonald"s in Springfield, MO

Date: Friday, March 28, 2014 6:17:09 PM

Ms. Fleming,

I represent Charging Party Mid-South Organizing Committee in the charge in Case 14-CA-125164.

I anticipate two employees giving affidavits. Their names are (b) (6), (b) (7)(c) and (b) (6), (b) (7)(c) and (c) (7)(c) and (

I now have the name of the franchisee company that operates the McDonald's restaurant in Springfield. The company name is "Phil Stocker Co., Inc." The name of the (b) (6), (b) (7)(C) at the store is (b) (6), (b)

The charge alleges McDonald's USA LLC as a joint or single employer. This allegation is being made in many charges involving McDonald's franchisees in various parts of the country. I believe Region 2 is coordinating the investigation on this joint employer / single employer issue.

Thank you for your assistance. Please give me a call at your earliest convenience.

Chris Grant Schuchat, Cook & Werner (314) 621-2626 From:Christopher N. GrantTo:Fleming, LynnCc:Natalie J. Teague

Subject: McDonald"s Springfield, Mo
Date: Thursday, April 3, 2014 5:10:14 PM

Lynn,

To confirm, I have scheduled the phone affidavits for (b) (6), (b) (7)(C)

Attorney Natalie
Teague at our office will initiate the call. She will also be on the call.

(b) (6), (b) (7)(C) and (c) (6), (b) (7)(C) will give affidavits (not at the same time, but sequentially). (b) (6), (b) (7)(C) will also be available (and on the call if possible).

I have asked that try to learn more about the owner / franchisee of the McDonalds restaurant. I believe to owns several restaurants.

I expect and and to testify about the following:

- 1. (b)(6)(b)(7)(c) involvement with the Mid-South Organizing Committee and protected, concerted activity such as talking to co-workers about the Committee, advocacy and participation in Committee activities; work at McDonald's; past discipline history (if any) and evaluations; the Company's point system and how employees are disciplined and evaluated; the management hierarchy at the store and names of managers; job duties; how managers may know that is a union supporter (e.g., visible and open protected, concerted activity); and, the owner of the store.
- 2. (b)(6), (b) (7)(c) involvement with the Committee and protected, concerted activity; work at McDonald's and jobs duties; management hierarchy at the store; the Company's point system; discipline and evaluations at the store; what vertically overheard managers saying about PCA and assessing points; and how and what managers may know about the Committee and employee PCA.

If for some reason we have to cancel, I will try to give you as much advance notice as possible.

Thank you for your cooperation.

Chris Grant Schuchat, Cook & Werner From: <u>Taves, Mary G.</u>

To: Leach, David E.; Dunham, Geoffrey; Tursell, Beth

Cc: <u>Taves, Mary G.</u>

Subject: FW: New Charge for Investigation McDonalds and Franchisee 14-CA-125164 Cat. 2

 Date:
 Friday, April 4, 2014 3:11:00 PM

 Attachments:
 CHG.1-1024386171.SIGNED CHARGE.pdf

New Charge filed in McDonalds 14-CA-125124.

Mary

Mary G. Taves

Deputy Regional Attorney
NLRB Region 17
8600 Farley, Ste. 100
Overland Park, KS 66212
913 967-3003 913 967-3010 (fax)

mary.taves@nlrb.gov

From: Taves, Mary G.

Sent: Tuesday, March 25, 2014 5:29 PM

To: Fleming, Lynn; Taves, Mary G.; Murphy, Marion L.

Subject: New Charge for Investigation McDonalds and Franchisee 14-CA-125164 Cat. 2

From: <u>Dunham, Geoffrey</u>
To: <u>Taves, Mary G.</u>

Subject: FW: Withdrawal of McDonald"s 14-CA-125164

Date: Tuesday, April 22, 2014 4:20:28 PM

Attachments: FIR.14-CA-125164.Recommendation to Approve Withdrawal Request.docx

Mary, thanks for alerting us and not a problem that letter approving withdrawal issued, as we would have approved that anyway. Geoff

From: Taves, Mary G.

Sent: Tuesday, April 22, 2014 4:10 PM

To: Leach, David E.; Dunham, Geoffrey; Tursell, Beth **Subject:** Withdrawal of McDonald's 14-CA-125164

(b) (5)

Mary

Mary G. Taves
Deputy Regional Attorney
NLRB Region 17
8600 Farley, Ste. 100
Overland Park, KS 66212
913 967-3003 913 967-3010 (fax)
mary.taves@nlrb.gov

Fleming, Lynn

From:

Christopher N. Grant [cng@schuchatew.com]

Sent:

Friday, April 18, 2014 3:14 PM

To:

Fleming, Lynn

Cc: Subject: Natalie J. Teague; Work Case No. 14-CA-125164

Lynn,

The Charging Party respectfully requests to withdraw the charge in this case. We may re-file it at a later date.

Thank you,

Chris Grant

Schuchat, Cook & Werner

APPROVED:

1 11 66

NATIONAL LABOR RELATIONS BOARD

14-CA-125164 Page 1

Case Name: McDonald's and McDonald's USA LLC as a joint or single employer

Case No. 14-CA-125164

Agent: Field Examiner LYNN FLEMING

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 17 8600 Farley St Ste 100 Overland Park, KS 66212-4677 Agency Website: www.nlrb.gov Telephone: (913)967-3000 Fax: (913)967-3010

April 21, 2014

McDonald's 528 S Glenstone Springfield, MO 65802

Terry Lueckenhoff, Attorney Fox Galvin, LLC One South Memorial Drive 12th Floor St. Louis, MO 63102

Re: McDonald's and McDonald's USA LLC as

a joint or single employer Case 14-CA-125164

Dear Mr. Lueckenhoff:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

DANIEL L. HUBBEL Regional Director

By: /s/Naomi Stuart

NAOMI STUART Officer in Charge

Mid-South Organizing Committee (formally

known as the St. Louis Organizing Committee)

DLH:kec

cc: McDonald's USA LLC

One McDonald's Plaza Oak Brook, IL 60523

438 N Skinker St. Louis, MO 63130

Christopher N. Grant, Attorney SCHUCHAT, COOK, AND WERNER

1221 Locust St Ste 250 Saint Louis, MO 63103-2364